

EXHIBIT 11

The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

Firs Home Owners Association,

Plaintiff,

v.

City of SeaTac, a Municipal Corporation,

Defendant.

NO. 2:19-cv-01130-RSL

PLAINTIFF'S RESPONSE TO
DEFENDANT'S FIRST
INTERROGATORIES TO PLAINTIFF

PROPOUNDING PARTIES: City of SeaTac, a Municipal Corporation

RESPONDING PARTY: Firs Home Owners Association

INTERROGATORIES

INTERROGATORY NO. 1: Identify each member of the Firs Home Owners Association and include for each the country of birth and the date or dates each member lived at the Firs Mobile Home Park. For purposes of this interrogatory, the term "member" has the meaning ascribed to it in paragraph 1.2 of the first amended complaint ("FAC").

information, documentation and/or records of communication about the City of SeaTac has federally funded programs or activities.

The Association also asserts that their answer to this interrogatory in no way limits their assertions of facts that support their claims against the City of SeaTac, since they may discover new facts during the discovery process and/or gain a greater understanding of actions taken by the City of SeaTac as discovery progresses. Thus, the Association reserves the right to supplement this response should there be additional material information that they uncover. Additionally, the Association is not required to provide testimony about information and/or documentation of which they have no personal knowledge or understanding

Plaintiff further objects that the contention is irrelevant to the case because the Plaintiff did not plead any claims that require them to prove their status as an intended beneficiary of a federal program or activity.

SeaTac Riverton Heights Park.

INTERROGATORY NO. 7: Identify other similarly situated persons or entities who, since 2000, were treated differently than the plaintiff by the City of SeaTac during the review of a mobile home park relocation plan pursuant to SMC § 15.465.600.H, and for each describe in detail how the similarly situated person or entity was treated differently.

ANSWER: /

Plaintiffs object that Interrogatory 7 is a premature contention interrogatory. Courts in the Ninth Circuit have placed "a burden of justification" on a party who seeks answers to contention interrogatories before substantial documentary or testimonial discovery has been completed. *See, e.g., In re Convergent Techs. Sec. Lit.*, 109 F.R.D. 328, 338 (N.D. Cal. 1985); *In re Wells Fargo Residential Mortg. Lending Discrimination Litig.*, 2009 WL

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3 1771368, at *6 (N.D. Cal. June 19, 2009); *United States v. Bazaarvoice, Inc.*, 2013 WL
4 1739472, at *3 (N.D. Cal. Apr. 22, 2013). "[S]uch a party must be able to show that there is
5 good reason to believe that answers to its well-tailored questions will contribute meaningfully
6 to clarifying the issues in the case, narrowing the scope of the dispute, or setting up early
7 settlement discussions, or that such answers are likely to expose a substantial basis for a
8 motion under Rule 11 or Rule 56." *In re Convergent*, 108 F.R.D. at 338-39 (footnote omitted).
9 "[C]ourts tend to deny contention interrogatories filed before substantial discovery has taken
10 place but grant them if discovery almost is complete." *Id.*, 332-38.
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12 Plaintiff further objects that the contention is irrelevant to the case because the
13 Plaintiff did not plead any claims that require them to proffer a comparator to establish a
14 cause of action. Plaintiff also objects that the contention is irrelevant to the case because the
15 Plaintiff did not plead any claims that require them to prove their status as an intended
16 beneficiary of a federal program or activity.
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18 Additionally, the Association will continue their own discovery and investigation of
19 the subject matter of this litigation, and the Association reserves the right to rely upon, and/or
20 present at trial or other hearing on this matter, any facts or documents that may be
21 subsequently learned or obtained as a result of such ongoing discovery and investigation, or
22 which may be adduced at trial. Additionally, the City of SeaTac is in possession, custody and
23 control of information, documentation and/or records of communication about other similarly
24 situated persons or entities. The Association also asserts that their answer to this interrogatory
25 in no way limits their assertions of facts that support their claims against the City of SeaTac,
26 since they may discover new facts during the discovery process and/or gain a greater
27 understanding of actions taken by the City of SeaTac as discovery progresses. Thus, the
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3 Association reserves the right to supplement this response should there be additional material
4 information that they uncover. Additionally, the Association is not required to provide
5 testimony about information and/or documentation of which they have no personal knowledge
6 or understanding
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8 Without waiving any specific objection, Plaintiff answers as follows:

9 The Washington Department of Commerce Manufactured/Mobile Housing
10 Community Closures list indicates that no other mobile home park has been closed in SeaTac
11 that would be subject to a review of a mobile home park relocation plan pursuant to SMC §
12 15.465.600.H.
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15 INTERROGATORY NO. 8: Describe in detail all statistical evidence that you contend
16 supports your allegation that defendant City of SeaTac's "affirmative efforts on behalf of the
17 landlord to expedite the closure of the Firs Mobile Home Park" has or had an adverse
18 disproportionate effect or impact on "the predominately Latino/Hispanic, non-English-
19 speaking members of the Firs Home Owners Association and the community at large[.]" as
20 those phrases are used in paragraph 4.61 of the FAC.
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22 ANSWER:

23 The Association objects to this interrogatory as overly broad, unduly burdensome, not
24 reasonably tailored to the needs of this case by asking for "all statistical evidence."

25 Additionally, the Association will continue their own discovery and investigation of
26 the subject matter of this litigation, and the Association reserves the right to rely upon, and/or
27 present at trial or other hearing on this matter, any facts or documents that may be
28 subsequently learned or obtained as a result of such ongoing discovery and investigation, or
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3 I, Luis Moreno, declare:

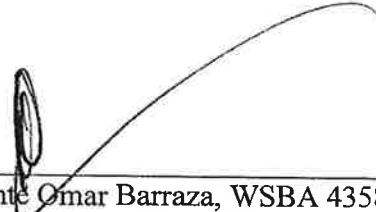
4 I am the President of the Board of Directors for plaintiff Firs Homeowners Association
5 in the above-entitled lawsuit to whom these interrogatories are addressed. I have reviewed the
6 foregoing answers to interrogatories, know the contents thereof, and believe the same to be
7 true.

8 I declare under penalty of perjury under the laws of the State of Washington that the
9 foregoing is true and correct.

10 Executed on the 4 day of November 2019, at Seattle, Washington.

11 
12 Luis Moreno

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3 DATED THIS 4th day of November 2019.
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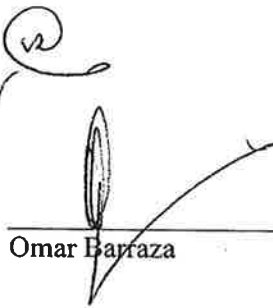
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7 Vicente Omar Barraza, WSBA 43589
8 Attorney for the Plaintiffs
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CERTIFICATE OF SERVICE

The undersigned certifies under penalty of perjury under the laws of the State of Washington that on the below date, I caused to be served via email and U.S. mail, postage prepaid, a true and correct copy of this document to:

QUINN N. PLANT
Attorneys for Defendant
Menke Jackson Beyer, LLP
807 North 39th Avenue
Yakima, Washington 98902
Telephone: (509) 575-0313
Fax: (509) 575-0351

December
DATED THIS 4th day of November 2019.


Omar Barraza